

Notice of Allowability

Application No.

10/765,960

Examiner

Charlie Peng

Applicant(s)

LIN ET AL.

Art Unit

2883

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 12 December 2005.
2. ☒ The allowed claim(s) is/are 1-11 and 14-50.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Brian Healy
Primary Examiner

DETAILED ACTION

Reasons for Allowance

Claims 1 and 39 are allowed. Claims 1 and 39 disclose a multi-axis mechanical positioning stage having a platen with a flat surface, wherein a retaining member having a top edge higher than the flat surface is located on the platen for a measuring object to lean on so that the holding position of the measuring object is defined. Botos teaches a five-axis mechanical positioning device useful in the alignment of fiber optics (such as aligning and connecting transmitters, amplifiers, and receivers to optical fibers) having a base plate, an X-Y-Z-Theta mechanical positioner, a tilt stage, and a rotation stage. Botos and other relevant prior art do not teach or suggest the presence of the retaining member as disclosed in claims 1 and 39. Certain stage assemblies place mirrors at sides of the platen as part(s) of an interferometer (e.g., reference numerals 174 178 of U.S. Patent 6,885,430). The mirrors are similar in placement and physical structure to the retaining member, but the object on the stage does not lean on the mirrors, nor would one of ordinary skill in the art have any reasonable rationale to lean the measuring object on the mirrors as doing so would destroy the application of the interferometer. Further, it is a common practice, in using a sample positioning stage/manipulator, to keep the top and side surfaces away from any foreign object as to avoid contaminants or the like, i.e., it is not obvious to lean a sample/substrate on its side(s) against any foreign object, intentionally or not. It is the examiner's opinion that the prior art of record, taken alone or in combination, fails to disclose or render obvious

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the retaining member as disclosed, in combination with the rest of the limitations of the claim.

Claims 2-11 and 40-50 are allowed as dependent claims of allowed claims 1 and 39.

Claim 14 is allowed. Claim 14 discloses subject matter of claim 13 (now canceled but originally presented on 29 January 2004) previously objected to but indicated to be allowable. Claim 14 is rewritten in independent form including all of the limitations of the base claim and any intervening claims. A search in prior art did not result in any relevant prior art teaching a retaining member that is at least partially exposed/buried in an elongated trough on a surface of the stage and in contact with the object on the stage. The prior art of record, taken alone or in combination, fails to disclose or render obvious these disclosed subject matter, in combination with the rest of the limitations of the claim.

Claims 15-25 are allowed as dependent claims of allowed claim 14.

Claim 26 is allowed. Claim 26 discloses subject matter of claim 8 previously objected to but indicated to be allowable. Claim 26 is rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art of record, taken alone or in combination, fails to disclose or render obvious the platen for holding an object having an electric cavity which holds a temperature sensor for measuring the temperature of the measuring environment, in combination with the rest of the limitations of the claim.

Claims 27-38 are allowed as dependent claims of claim 26.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charlie Peng whose telephone number is (571) 272-2177. The examiner can normally be reached on 9 am - 6 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on (571) 272-2415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Charlie Peng
February 14, 2006



Brian Healy
Primary Examiner